

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

CIVIL APPEAL NO.4931 OF 2004

TAMIL NADU JAI BHARATH MILLS LTD.

Appellant (s)

VERSUS

HONGKONG & SHANGHAI BANKING CORPN. LTD.

Respondent(s)

With Civil Appeal Nos.4932-4933 of 2004
(With appln. for exemption from filing c/c of the impugned judgment)

Civil Appeal Nos.4934-4937 of 2004

Civil Appeal No.4938 of 2004

Civil Appeal No.4939 of 2004

Civil Appeal No.4940 of 2004
(With appln. for exemption from filing c/c of the impugned judgment)

Date: 07/05/2008 These Appeals called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL
HON'BLE MR. JUSTICE G.S. SINGHVI

For Appellant(s) Mr. M.N. Krishnamani, Sr. Adv.
in CA 4931, 4938, Mr. A.V. Rangam, Adv.
4939 and 4940/2004: Mr. Buddy A. Ranganadhan, Adv.

in CA 4934-37: Ms. Niranjana Singh, Adv.

For Respondent(s) Mr. K.K. Mani, Adv.
Mr. R.K. Pandey, Adv.
Mr. Mayur R. Shah, Adv.

Mr. Pramod B. Agarwala, Adv.
Ms. Praveena Gautam, Adv.
Mr. Nitin Kant Setia, Adv.

Mr. Arun K. Sharma, Adv.
Ms. Vandana Sharma, Adv.
Ms. Pratibha Jain, Adv.

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Ms. Manjula Gupta, Adv.

Mr. Roy Abraham, Adv.
Ms. Seema Jain, Adv.
Mr. Vimlesh Kumar, Adv.
Mr. Himinder Lal, Adv.

Mr. Ram Lal Roy, Adv.
Mr. R.N. Keshwani, Adv.

Mr. Vishwajit Singh, Adv.

Mr. Rakesh K. Sharma, Adv.

UPON hearing counsel the Court made the following
ORDER

Civil Appeal Nos.4931/2004, 4938/2004, 4939/2004 and
4940/2004:

Heard learned counsel for the parties.

The civil appeals are allowed.

Civil Appeal Nos.4932-4933/2004 and 4934-4937/2004:

Heard learned counsel for the parties.

In view of the order passed in Civil Appeal No.4931
of 2004 and connected matters, these appeals are allowed.

[T.I. Rajput]
A.R.-cum-P.S.

[Om Prakash]
Court Master

[Signed order is placed on the file]
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.4931 OF 2004

Tamil Nadu Jai Bharath Mills Ltd. ...Appellant(s)

Versus

Hongkong & Shanghai Banking Corpn. Ltd. ...Respondent(s)

With Civil Appeal Nos.4938/2004, 4939/2004, 4940/2004, 4932-
4933/2004 and 4934-4937/2004

O R D E R

Civil Appeal Nos.4931/2004, 4938/2004, 4939/2004 and 4940/2004:

Heard learned counsel for the parties.

In these appeals, different complaints were filed before the
District Consumer Disputes Redressal Forum [for short, "District
Forum"], which were dismissed by different orders on a finding that
there was no deficiency in service. The said orders were confirmed by
the State Consumer Disputes Redressal Commission, Chennai [for
short, "State Commission"]. Thereafter, when the matters were taken
to the National Consumer Disputes Redressal Commission in revision,
the same were dismissed observing as if the State Commission had
directed the complainants to move the civil court for redressal of their
grievances. Hence, these appeals by special leave.

Having taken into consideration all the pros and cons of the
matter, we are of the view that the complainants, instead of moving the
District Forum by filing different

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complaints, should have filed properly constituted suits before a
competent civil court. Accordingly, the appeals are allowed, impugned
orders are set aside and the complaints are dismissed with liberty to the

complainants to move competent civil court by filing properly constituted suits. As, in our view, the complainants were bonafide prosecuting the present proceedings, we direct that if, along with the complaints, petitions under Section 14 of the Limitation Act are filed, time spent from the date of filing of the complaints till this date shall be excluded in computing the period of limitation.

Civil Appeal Nos.4932-4933/2004 and 4934-4937/2004:

Heard heard counsel for the parties.

In view of the order passed in Civil Appeal No.4931 of 2004 and connected matters, these appeals are allowed, impugned orders are set aside and the complaint petitions filed by the complainants are dismissed with liberty to the complainants to move competent civil court by filing properly constituted suits. As, in our view, the complainants were bonafide prosecuting the present proceedings, we direct that if, along with the complaints, petitions under Section 14 of the Limitation Act are filed, time spent from the date of filing of the complaints till this date shall be excluded in computing the period of limitation.

.....J.
[B.N. AGRAWAL]

.....J.
[G.S. SINGHVI]

New Delhi,
May 07, 2008.